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6 1255 Powell Street  
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8 Telephone: (510) 658-3600  
9 Facsimile: (510) 658-1151

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11 Attorneys for Defendant  
12 PRECISION VALVE & AUTOMATION, INC.

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15 UNITED STATES DISTRICT COURT  
16 CENTRAL DISTRICT OF CALIFORNIA

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19 RUBEN JUAREZ an individual and ) CASE NO. 2:17-cv-003342  
20 ISELA HERNANDEZ, an individual, )  
21 Plaintiffs, )  
22 v. )  
23 PRECISION VALVE & )  
24 AUTOMATION, INC., a corporation )  
25 and DOES 1-20, )  
26 Defendants. )  
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TO THE CLERK OF THE ABOVE-ENTITLED COURT AND ALL  
COUNSEL OF RECORD:

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PLEASE TAKE NOTICE that Defendant Precision Valve & Automation, Inc.  
hereby submits the following documents to be filed in this action that were previously  
filed and served in the State Court action entitled *Ruben Juarez an individual and Isela  
Hernandez, an individual v. Precision Valve & Automation, Inc., a corporation and  
DOES 1-20*, Los Angeles County Superior Court Case No. BC650229:

1. The Answer of Defendant Precision Valve & Automation, Inc. to

Becherer  
Kannett &  
Schweitzer

1255  
Powell St.  
Emeryville, CA  
94608  
510-658-3600

Complaint for Personal Injuries, filed in State Court on May 2, 2017, is attached hereto as **Exhibit 1**.

2. The Demand For Jury Trial of Defendant Precision Valve & Automation, Inc., filed in State Court on May 2, 2017, is attached hereto as **Exhibit 2**.

Defendant Precision Valve & Automation, Inc. hereby demands a jury trial in this Court.

Dated: May 4, 2017

## BECHERER KANNETT & SCHWEITZER

By: /s/ Alex P. Catalona

Alex P. Catalona

Attorneys for Defendant PRECISION VALVE & AUTOMATION, INC.

Becherer  
Kannett &  
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# **EXHIBIT 1**

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Superior Court of California  
County of Alameda

MAY 02 2017

Sherri H. Carter, Executive Officer/Clerk  
By: Cristina Grijalva, Deputy

6 Attorneys for Defendant  
7 PRECISION VALVE & AUTOMATION, INC.

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF LOS ANGELES – STANLEY MOSK COURTHOUSE

10 RUBEN JUAREZ an individual and ISELA ) CASE NO. BC650229  
11 HERNANDEZ, an individual, )  
12 Plaintiffs, ) ANSWER TO COMPLAINT BY  
13 v. ) DEFENDANT PRECISION VALVE  
14 PRECISION VALVE & AUTOMATION, ) & AUTOMATION, INC.  
15 INC., a corporation and DOES 1-20, )  
16 Defendants. ) Action Filed: February 28, 2017  
17 ) Trial Date: August 28, 2018

By Fax

18 Defendant Precision Valve & Automation, Inc. (“Defendant”) responds to  
19 plaintiffs’ complaint as follows: Pursuant to California Code of Civil Procedure § 431.30,  
20 Defendants deny generally each and every allegation in the Complaint.

21 **AFFIRMATIVE DEFENSES**

22 1. As a first affirmative defense, Defendant alleges that the Complaint does not state  
23 facts sufficient to constitute a cause of action.

24 2. As a second affirmative defense, Defendant alleges plaintiff Ruben Juarez was  
25 negligent and that his negligence, in whole or in part, caused and contributed to the injury and  
26 damage alleged in the Complaint.

27 3. As a third affirmative defense, Defendant alleges plaintiff Ruben Juarez’s  
28 employer was negligent or acted in some other tortious manner, and that this conduct, in whole

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1 or in part, caused and contributed to the injury and damage alleged in the Complaint.

2       4. As a fourth affirmative defense, Defendant alleges that other parties and other  
3 persons not parties to the action acted negligently or in some other tortious manner, and that their  
4 negligence or other tortious conduct caused the injury and damage alleged in the Complaint.  
5 Defendants request that in the event of a finding of any liability in favor of Plaintiffs or settlement  
6 or judgment against this defendant, an apportionment of fault be made as permitted by *Li v. Yellow*  
7 *Cab Company and American Motorcycle Association v. Superior Court* by the court or jury.  
8 Defendant further requests a judgment and declaration of partial indemnification and contribution  
9 against all other parties or persons in accordance with the apportionment of fault.

10     5. As a fifth affirmative defense, Defendant alleges that it cannot be held responsible  
11 for the acts of others or events beyond Defendant's control, which acts or events contributed in  
12 whole or in part to the damages, claims, and causes of action alleged in the Complaint.

13     6. As a sixth affirmative defense, Defendant alleges plaintiffs voluntarily and  
14 knowingly assumed the risk of damage alleged in the Complaint. Plaintiffs' claims are therefore  
15 barred in whole or in part by the doctrine of Assumption of Risk.

16     7. As a seventh affirmative defense, Defendant alleges that Plaintiff Ruben Juarez  
17 agreed to, and participated in, those actions which plaintiffs claim to have caused injury or  
18 damage. Since such participation and consent were given knowingly and voluntarily, plaintiffs'  
19 claims are invalid.

20     8. As an eighth affirmative defense, Defendant alleges that it exercised due care  
21 and diligence in all matters alleged in the complaint, and that no act or omission by Defendant  
22 was the proximate cause of any damage, injury or loss to plaintiffs.

23     9. As a ninth affirmative defense, Defendant alleges plaintiffs failed to exercise  
24 reasonable care and diligence to mitigate their alleged damages.

25     10. As a tenth affirmative defense, Defendant alleges that plaintiff Ruben Juarez was  
26 a sophisticated user of Defendant's product due to his particular position, training, experience,  
27 education, knowledge, and/or skill, and knew or should have known of any risk, harm and/or  
28 danger of the product(s) and material(s) alleged against Defendant.

1       11. As an eleventh affirmative defense, Defendant alleges that plaintiff Ruben  
2 Juarez's employer was a sophisticated user of Defendant's product due to its particular position,  
3 training, experience, knowledge, education and/or skill, and knew or should have known of any  
4 risk, harm and/or danger of the product(s) and material(s) alleged against Defendant.

5       12. As a twelfth affirmative defense, Defendant alleges that plaintiffs' claims are  
6 barred by the workers' compensation exclusivity rule.

7       13. As a thirteenth affirmative defense, Defendant alleges that plaintiffs' claims are  
8 barred by all applicable statutes of limitations including but not limited to Code of Civil Procedure  
9 section 335.1.

10       14. As a fourteenth affirmative defense, Defendant alleges that plaintiffs' claims are  
11 barred in whole or in part by the doctrine of laches.

12       15. As a fifteenth affirmative defense, Defendant alleges that plaintiffs' claims are  
13 barred in whole or in part by the doctrine of unclean hands.

14       16. As an sixteenth affirmative defense, Defendant alleges plaintiffs waived and are  
15 estopped and barred from alleging the matters set forth in their complaint based upon settlements,  
16 releases and/or agreements.

17       17. As a seventeenth affirmative defense, Defendant alleges that plaintiffs' claims are  
18 barred in whole or in part by the doctrine of waiver.

19       18. As an eighteenth affirmative defense, Defendant alleges that plaintiffs' claims are  
20 barred in whole or in part by the doctrine of estoppel.

21       19. As a nineteenth affirmative defense, Defendant alleges that plaintiff Ruben  
22 Juarez's employer violated the Occupational Health and Safety Act of 1970, and subsequent  
23 statutory and regulatory law including but not limited to 29 CFR 1910.1200, et seq., (OSHA  
24 Hazard Communication Standard), 29 CFR 1910.132, et seq., (OSHA personal safety equipment  
25 rules), and 29 CFR 1904, et seq., (OSHA injury and illness recordkeeping and reporting  
26 requirements.)

27       20. As a twentieth affirmative defense, Defendant alleges that current law prohibits  
28 plaintiffs' claims against this defendant.

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Kannett &  
Schweitzer

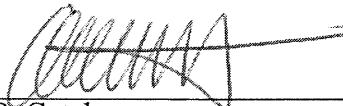
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510-658-3600

1           Defendant reserves its right to assert additional defenses in the event its investigation  
2 and discovery indicates additional defenses would be appropriate.

3           Defendant demands judgment in its favor, costs of suit, attorney's fees and all other proper  
4 relief.

5  
6           Dated: April 26, 2017

BECHERER KANNETT & SCHWEITZER

7           By: 

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9           Alex P. Catalona  
10           Attorney for Defendant  
11           PRECISION VALVE & AUTOMATION, INC.

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510-658-3600

## PROOF OF SERVICE

*Ruben Juarez, et al. v. Precision Valve & Automation, Inc., et al.*  
Los Angeles County Superior Court, Case No. BC650229

I, Jerry M. Dumla, declare that I am employed in the County of Alameda, State of California; I am over the age of eighteen (18) years and not a party to the within entitled action; my business address is 1255 Powell Street, Emeryville, California 94608.

On **May 2, 2017**, I caused to be served the foregoing:

**ANSWER TO COMPLAINT BY DEFENDANT PRECISION VALVE & AUTOMATION, INC.;**

**DEMAND FOR JURY TRIAL**

In said action by placing a true copy thereof enclosed in a sealed envelope and served in the manner and/or manners described below to each of the parties herein and addressed as follows:

*Attorneys for Plaintiff*

Teresa Li, Esq.  
LAW OFFICES OF TERESA LI, PC  
315 Montgomery Street, 9th Floor  
San Francisco, California 94104  
Telephone: (415) 423-3377  
Facsimile: (888) 646-5493  
Email: teresa@lawofficesofteresали.com

(By Mail) I deposited such envelope with postage thereon fully prepaid to be placed in the United States Mail at Emeryville, California. I am familiar with the mail collection practices of Becherer Kannett & Schweitzer Attorneys and pursuant to those practices the envelope would be deposited with the United States Postal Service the same day.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed **May 2, 2017**, at Emeryville, California.

Jerry M. Dumlaو

# EXHIBIT 2

1 Shahrad Milanfar (SBN 201126)  
smilanfar@bkscal.com  
2 Alex P. Catalona (SBN 200901)  
acatalona@bkscal.com  
3 BECHERER KANNETT & SCHWEITZER  
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4 Emeryville, CA 94608  
Telephone: (510) 658-3600  
5 Facsimile: (510) 658-1151

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ORIGINAL FILED  
Secretary of State of California  
FAX: 916-445-1414

MAY 02 2017

Sherrill H. Carter, Executive Officer/Clerk  
By: Cristina Gajakas, Deputy

6 Attorneys for Defendant  
7 PRECISION VALVE & AUTOMATION, INC.  
8  
9

10 SUPERIOR COURT OF CALIFORNIA  
11  
12 COUNTY OF LOS ANGELES – STANLEY MOSK COURTHOUSE

13 RUBEN JUAREZ an individual and ISELA ) CASE NO. BC650229  
14 HERNANDEZ, an individual, )  
15 Plaintiffs, )  
16 v. )  
17 PRECISION VALVE & AUTOMATION, )  
18 INC., a corporation and DOES 1-20, )  
19 Defendants. )  
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By FAX

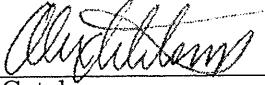
TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Please take notice that in response to plaintiffs' complaint filed and served in this matter, Defendant PRECISION VALVE & AUTOMATION, INC. hereby demands a trial by jury in the above entitled case.

Dated: May 1, 2017

BECHERER KANNETT & SCHWEITZER

By:

  
Alex P. Catalona  
Attorneys for Defendant  
PRECISION VALVE & AUTOMATION, INC.

Becherer  
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Powell St.  
Emeryville, CA  
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510-658-3600

**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that on the 4th day of May, 2017, a true and correct copy of **NOTICE OF FILING STATE COURT ANSWER** has been served by mail to plaintiffs' attorney and via ECF upon all counsel of record in the Court's electronic filing system.

*Attorneys for Plaintiffs*

Teresa Li, Esq.  
LAW OFFICES OF TERESA LI, PC  
315 Montgomery Street, 9th Floor  
San Francisco, California 94104  
Telephone: (415) 423-3377  
Facsimile: (888) 646-5493  
Email: [teresa@lawofficesofteresali.com](mailto:teresa@lawofficesofteresali.com)

/s/ *Alex P. Catalona*

Alex P. Catalona

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Atorneys for Defendant  
PRECISION VALVE & AUTOMATION, INC.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

I, Jerry M. Dumla, declare that I am employed in the County of Alameda, State of California; I am over the age of eighteen (18) years and not a party to the within entitled action; my business address is 1255 Powell Street, Emeryville, California 94608.

On **May 4, 2017**, I caused to be served the foregoing:

**NOTICE OF FILING STATE COURT ANSWER AND DEMAND FOR JURY TRIAL**

In said action by placing a true copy thereof enclosed in a sealed envelope and served in the manner and/or manners described below to each of the parties herein and addressed as follows:

111

*Attorneys for Plaintiff*

Teresa Li, Esq.  
LAW OFFICES OF TERESA LI, PC  
315 Montgomery Street, 9th Floor  
San Francisco, California 94104  
Telephone: (415) 423-3377  
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Executed on May 4, 2017.

 Jerry M. Dumla

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Kannett &  
Schweitzer

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94608  
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